

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 1-571-273-8300 on April 24, 2006.

Kim Blum  
Name (Print)

*Kim Blum*  
Signature

RECEIVED  
CENTRAL FAX CENTER

APR 24 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                       |                            |   |                   |                 |
|-----------------------|----------------------------|---|-------------------|-----------------|
| In re Application of: | Habecker et al.            | ) | Examiner:         | Ngoclan Thi Mai |
|                       |                            | ) |                   |                 |
| Application No.:      | 10/770,895                 | ) |                   |                 |
|                       |                            | ) | Group Art Unit:   | 1742            |
| Filed:                | February 3, 2004           | ) |                   |                 |
|                       |                            | ) |                   |                 |
| Docket No.:           | 99024CIPDIV2 (3600-234-03) | ) | Confirmation No.: | 1073            |

For: METHOD OF MAKING NIOBIUM AND OTHER METAL POWDERS

**THIRD SUPPLEMENTAL INFORMATION DISCLOSURE**  
**STATEMENT PURSUANT TO 37 CFR 1.97(b)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

April 24, 2006

Sir:

The attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached Form PTO/SB/08. Pursuant to the current United States Patent and Trademark Office rules, no copies of U.S. Patents/Patent Application Publications are provided.

This Third Supplemental Information Disclosure Statement is being submitted after expiration of the three-month period following filing of the above-captioned application, but before any Final Office Action or Notice of Allowance.

The above information is presented so that the Patent and Trademark Office can, in the first instance, determine any materiality thereof to the claimed invention. See 37 CFR 1.104(a) and 1.106(b) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the documents cited in the attached Form PTO/SB/08 be made of record therein and appear

Third Supplemental Information Disclosure Statement  
U.S. Patent Application No. 10/770,895

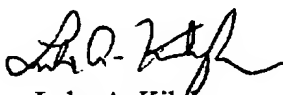
on the first page of any patent to issue therefrom.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in this application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

The Commissioner is hereby authorized to charge the amount of \$180.00 to Deposit Account No. 03-0060 for the submission of an Information Disclosure Statement fee. If there are any other fees due in connection with the filing of this response, please charge the fees to said Deposit Account.

Respectfully submitted,



Luke A. Kilyk  
Reg. No. 33,251

Atty. Docket No.: 99024CIPDIV2 (3600-234-03)  
KILYK & BOWERSOX, P.L.L.C.  
400 Holiday Court, Suite 102  
Warrenton, VA 20186  
Tel.: (540) 428-1701  
Fax: (540) 428-1720  
Enclosures: Form PTO/SB/08 w/ 3 documents

PTO/SB/08a (05-03)

Approved for use through 04/30/2003. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

|   |   |    |   |                          |                            |
|---|---|----|---|--------------------------|----------------------------|
| Substitute for form 1449A/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><i>(use as many sheets as necessary)</i> |   |    |   | <b>Complete if Known</b> |                            |
|   |   |    |   | Application Number       | 10/770,895                 |
|   |   |    |   | Filing Date              | February 3, 2004           |
|   |   |    |   | First Named Inventor     | HABECKER et al.            |
|   |   |    |   | Art Unit                 | 1742                       |
|   |   |    |   | Examiner Name            | Ngoclan Thi Mai            |
|   |   |    |   | Attorney Docket Number   | 89024CIPDNV2 (3600-234-03) |
| Sheet   | 1 | of | 2 |                          |                            |

[illegible]

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached. Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA, 22313-1450.

PTO/SB/08a (05-03)

Approved for use through 04/30/2003, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

|   |   |    |   |                          |                            |
|---|---|----|---|--------------------------|----------------------------|
| Substitute for form 1449A/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><i>(use as many sheets as necessary)</i> |   |    |   | <b>Complete if Known</b> |                            |
|   |   |    |   | Application Number       | 10/770,895                 |
|   |   |    |   | Filing Date              | February 3, 2004           |
|   |   |    |   | First Named Inventor     | HABECKER et al.            |
|   |   |    |   | Art Unit                 | 1742                       |
|   |   |    |   | Examiner Name            | Ngoclan Thi Mai            |
| Sheet   | 2 | of | 2 | Attorney Docket Number   | 99024CIPDN/2 (3600-234-03) |

[illegible]

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached. Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.